

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MARTHA MASON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:09-cv-02846-JPM-tmp
	)	
JABIL CIRCUIT, INC.,	)	
	)	
Defendant.	)	
	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
ORDER OF DISMISSAL WITHOUT PREJUDICE**

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Pending before the Court is the Report and Recommendation of Magistrate Judge Tu M. Pham, submitted October 26, 2010 (Docket Entry ("D.E.") 36), recommending that (1) Plaintiff's complaint be dismissed without prejudice pursuant to Rule 41(a)(2); and (2) If Plaintiff decides to refile her complaint in the future, she be permitted to do so only upon paying Defendant's attorney's fees and expenses for the missed deposition, including the court reporter's expenses, pursuant to Fed. R. Civ. P. 37. (Rep. & Rec. 2-3.) No objections to the Report and Recommendation have been filed, and the time for filing objections has expired.

Upon de novo review of the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation in its entirety, and dismisses Plaintiff's complaint without

prejudice and subject to the stipulations provided in the Report and Recommendation. All other pending motions are accordingly denied as moot.

**IT IS SO ORDERED,** this 16th day of November, 2010.

/s/ JON PHIPPS McCALLA  
CHIEF UNITED STATES DISTRICT JUDGE